

REMARKS

This Amendment is in response to the Office Action dated August 8, 2006. All objections and rejections are respectfully traversed.

Claims 1, 4-19, 22-24, 28-35, 37-41, and 44-58 are in the case.

Claims 2,3,20,21,25,26,27,36,42,43 are cancelled.

Claims 1,4,6,16,19,22,23,24,35,37,41 and 47-50 are currently amended.

No new claims are currently added.

Request for Interview

The Applicant respectfully requests a telephonic interview with the Examiner after the Examiner has had an opportunity to consider this Amendment, but before the issuance of the next Office Action. The Applicant may be reached at 617-951-3074.

Rejections under 35 U.S.C. §102

At page 2 of the Office Action, claims 1-2, 4-5, 7-8, 10, 16-20, 24-26, 28-29, 31 and 33-34 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6785807 to Aguilar et al. (hereinafter "Aguilar") in view of U.S. Patent No. 6,807,643 to Eckardt et al. (hereinafter "Eckardt"). At page 3, lines 14-15 of the Office Action, the Examiner admitted that "Aguilar et al. fails to teach of a command generated upon failure of the normal boot routine." Applicants respectfully submit that the rejections under 35 U.S.C. §102 are improper because the Examiner admitted that each element of the rejected claims is not disclosed in a single reference. However, because the Examiner indicated that the claimed subject matter would have been obvious over Aguilar in view of Eckardt, Applicants will assume that the Examiner intended to issue a rejection of claims 1-2, 4-5, 7-8, 10, 16-20, 24-26, 28-29, 31 and 33-34 under 35 U.S.C. §103.

Claim 1, representative in part of the other rejected claims, as amended sets forth:

1. A storage server system having a processor and a memory , the storage server system comprising:

(A) a storage operating system adapted to be executed by the processor;

(B) a removable nonvolatile memory device coupled to a system bus, the removable **nonvolatile memory device divided into a plurality of partitions including a first partition containing diagnostics code for the system and a second partition designated as a maintenance log into which test results an data are stored**; and

(C) a set of boot instructions resident in the storage server system including instructions for executing a normal boot routine upon a power-on of the system, and including instructions enabling the processor to identify the removable nonvolatile memory device and to load the diagnostics code into the memory in response to a command to execute a diagnostics boot routine instead of the normal boot routine, the command generated by the storage system upon a failure of the normal boot routine.

The portions of Aguilar cited by the Examiner as teaching a **“nonvolatile memory device divided into a plurality of partitions including a first partition containing diagnostics code for the system”** sets forth:

Data processing system 200 is designed to utilize compact flash card 262 in lieu of ROM 214 as the source for the bootcode if compact flash card 262 is connected to compact flash connector 260 when the system is booted... After serial terminal driver 520 has been loaded, diagnostic start program 264 initiates execution of a low-level diagnostic application 268...

Aguilar, col. 45, lines 63 – 67; col. 6, lines 28-20. The Examiner also cited Fig. 1, items #264 and #268 “where program 264 and program 268 are interpreted as residing in respective partitions.” Office Action, page 4, lines 6-7.

Contrary to the Examiner’s characterization, Fig. 1 of Aguilar “depicts a block diagram of an illustrative data processing system of the thin client variety...” See Aguilar, col. 3, lines 28-29. Applicants respectfully submit, although item #264 which is a diagnostic start program, and item #268 which is a low level diagnostic application, are separated by a line in Fig. 1, (i.e., they reside in separate blocks of the block diagram),

Aguilar does not teach or suggest that the nonvolatile memory device is divided into partitions much less teach or suggest **“nonvolatile memory device divided into a plurality of partitions including a first partition containing diagnostics code for the system and a second partition designated as a maintenance log into which test results and data are stored”** as particularly claimed.

Since neither Aguilar nor Eckardt, alone or combined, teach each element of claim 1, Applicants respectfully submit that the rejection of claim 1 is improper and should be withdrawn.

Applicants respectfully submit that none of the other references cited by the Examiner, alone or when combined, cures the deficiencies of Aguilar by teaching or suggesting each limitation of claim 1.

Applicants respectfully submit that independent claims 1, 6, 11, 16, 19, 24, 31, 35, 41, 47, 52, 54, 56 and 58 are in condition for allowance for the reasons set forth herein with respect to claim 1.

Applicants respectfully submit that independent claims 48 – 50 are amended herein to include material from allowed claim 44. Accordingly Applicants believe that independent claims 48 – 50 as amended are in condition for allowance.

All independent claims are believed to be in condition for allowance.

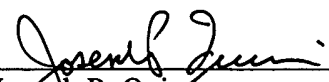
All dependent claims are believed to depend from allowable independent claims and are therefore also believed to be in condition for allowance.

Reconsideration is respectfully requested.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

PATENTS
112056-0021
P01-1148

Respectfully submitted,



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